

IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF NEBRASKA

UNITED STATES OF AMERICA,

Plaintiff,

vs.

DEVON ANTHONY NASH,

Defendant.

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Case No. 8:07CR86

ORDER

This case came before the Court on a Petition for Action on Conditions of Pretrial Release [72]. On October 28, 2009, Probation Officer Erin Clark submitted a Petition for Action on Conditions of Pretrial Release alleging that Defendant had violated conditions of release as follows:

- (k) Reside at **Williams Prepared Place** facility at all times and comply with all the rules of such facility. In the event that the defendant is discharged from the facility for any reason whatsoever, or leaves the premises of the facility without authorization, the United States Marshal, and/or any law enforcement officer is ordered to take the defendant into custody and detain the defendant pending a prompt hearing before the court to review the conditions of release.

The United States Probation Officer was notified by Pastor Bruce Williams on October 27, 2009 that the defendant is being unsuccessfully discharged from the facility.

A warrant for Defendant's arrest was issued.

Defendant appeared before the undersigned magistrate on November 2, 2009, Jeffrey L. Thomas, Assistant Federal Public Defender, represented Defendant. Michael D. Wellman, Assistant United States Attorney, represented the Government. After being advised of the nature of the allegations, rights, and the consequences if the allegations were found to be true, Defendant admitted the allegations. The Court finds the allegations set out in the petition are generally true and finds the Defendant violated the conditions of

release.

After providing both parties an opportunity for allocution as to disposition and considering the report of Pretrial Services, I find the Order Setting Conditions of Release [71] should be revoked. I find Defendant is unlikely to abide by conditions of release. I find that there is no condition or combinations of conditions that would reasonably assure Defendant's presence for further proceedings, or the safety of the community if Defendant were to be released upon conditions.

IT IS ORDERED:

1. The Petition for Action on Conditions of Pretrial Release [72] is granted;
2. The Order Setting Conditions of Release [71] is hereby revoked; and
3. Defendant is committed to the custody of the Attorney General or his designated representative for confinement in a correctional facility separate, to the extent practicable, from persons awaiting or serving sentence or being held in custody pending appeal. Defendant shall be afforded a reasonable opportunity for private consultation with defense counsel. On order of the Court of the United States or on the request of an attorney for the Government, the person in charge of the correctional facility shall deliver Defendant to the United States Marshal for purpose of an appearance in connection with a court proceeding.

Dated this 2nd day of November, 2009.

BY THE COURT:

s/ F. A. Gossett
United States Magistrate Judge